

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 03-22046-CIV-WILLIAMS

JUAN A. SALINAS, LUCILA FUENTES, and all)
others similarly situated under 29 U.S.C.)
216(b),)
)
Plaintiff,)
vs.)
)
SUE ANN RAMSEY,)
HILDA RAMSEY,)
)
Defendants.)
_____)

**PLAINTIFFS' RENEWED MOTION FOR DEFENDANT SUE ANN RAMSEY, TO
COMPLETE FACT INFORMATION SHEET IN AID OF EXECUTION PURSUANT
TO FLORIDA RULE OF CIVIL PROCEDURE 1.560 AND 1.977**

Come Now the Plaintiffs, by and through undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.560 and 1.977 and respectfully renew their request for the Court to enter an Order requiring Defendant, Sue Ann Ramsey, to accurately and truthfully complete form 1.977 within 30 days and in support thereof state as follows:

1. Plaintiffs obtained a final judgment against Defendant, Sue Ann Ramsey on September 23, 2004 for a total amount of \$8,325 [D.E. 38].
2. Plaintiffs' Counsel obtained an award for attorney's fees and costs for \$12,930.00 [D.E. 41].
3. "Florida's procedure in aid of execution governs the instant action. See Fed. R. Civ. P. 69." *DiFrancesco v. Home Furniture Liquidators, Inc.*, 2009 U.S. Dist. LEXIS 736 (S.D. Fla. Jan. 6, 2009).
4. Pursuant to Florida Rule of Civil Procedure 1.560, Plaintiffs request that Defendants, Sue Ann Ramsey, complete the attached form 1.977 [DE46-1] within 30 days and provide the requested documentation within 30 day.

5. Florida Rule of Civil Procedure 1.560 states:

(a) In General. In aid of a judgment, decree, or execution the judgment creditor or the successor in interest, when that interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner provided in these rules.

(b) Fact Information Sheet. In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court. Failure to obey the order may be considered contempt of court.

(c) Final Judgment Enforcement Paragraph. In any final judgment, the judge shall include the following enforcement paragraph if requested by the prevailing party or attorney:

“It is further ordered and adjudged that the judgment debtor(s) shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor(s) to complete form 1.977, including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney.”

6. In order to help aid Plaintiffs in collection of the judgment, Plaintiffs

respectfully request that the Court order Defendant, Sue Ann Ramsey, to
complete form 1.977 within 30 days.

WHEREFORE, PLAINTIFFS RESPECTFULLY REQUEST THAT THE COURT
ENTER AN ORDER REQUIRING DEFENDANT, SUE ANN RAMSEY, TO COMPLETE
FORM 1.977 WITHIN 30 DAYS.

Respectfully submitted,

J. H. ZIDELL, P.A.
ATTORNEYS FOR DEFENDANTS
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305-865-6766
305-865-7167

_ s/ Rivkah F. Jaff _
Rivkah F. Jaff, Esquire
Florida Bar No.: 107511

CERTIFICATE OF SERVICE:

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Notice was sent via U.S.
mail to Sue Ann Ramsey, 1611 N. Atlantic Avenue, Daytona Beach, FL 32118, on this 29th day
of June 2, 2018.

Respectfully submitted,

J. H. ZIDELL, P.A.
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300-71ST STREET
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MIAMI BEACH, FL 33141
305-865-6766
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_ s/ Rivkah F. Jaff _
Rivkah F. Jaff, Esquire
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